

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

United States of America)
v.)
FIDEL DIAZ RIVERA) Case No. **1:25-MJ-00063**
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)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 28, 2025 in the county of Butler in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 USC 1326(a)	Reentry of Removed Alien

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

**CHANDLER K
KELLY**

Digitally signed by CHANDLER
K KELLY
Date: 2025.01.29 12:07:30
-05'00'

Complainant's signature

Chandler Kelly, Special Agent, HSI

Printed name and title

Received by reliable electronic means and sworn and attested to by FaceTime video conference, in accordance with
Fed. R. Crim. P. 4.1.

Date: Jan 29, 2025

Stephanie K. Bowman



Judge's signature

City and state: Cincinnati, Ohio

Stephanie K. Bowman, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Chandler Kelly, being duly sworn, do hereby depose and say:

1. I am a Homeland Security Investigations (HSI) Special Agent with the United States Department of Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”). I have been a special agent with HSI since October 2020. While employed by HSI, I have investigated federal criminal violations related to immigration and national security. I have gained experience through training at the Federal Law Enforcement Training Center and daily work relating to conducting these types of investigations. I am currently assigned to the HSI Cincinnati, Ohio office in the Southern District of Ohio.
2. This affidavit is made in support of a criminal complaint and arrest warrant for **FIDEL DIAZ-RIVERA** (herein referred to as “DIAZ-RIVERA”), charging him with violating Title 8, United States Code, Section 1326 (a)(1): Reentry of Removed Alien. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and arrest warrant and does not purport to set forth all my knowledge of, or investigation into, this matter.
3. On January 28, 2025, Cincinnati ICE Officers encountered DIAZ-RIVERA at the Butler County Jail, in the Southern District of Ohio. An ICE detainer was placed on DIAZ-RIVERA as ICE was notified of DIAZ-RIVERA’s arrest for his recent strangulation, domestic violence, and assault charges. Checks revealed that DIAZ-RIVERA was a previously removed alien who is a native and citizen of Mexico. He was taken into custody and transported to the Cincinnati ICE office for processing.

4. During processing, biometric scans of DIAZ-RIVERA's fingerprints were completed which revealed two prior deportations.
5. During the processing interview with Cincinnati ICE officers, DIAZ-RIVERA claimed that he was a citizen and national of Mexico and made no claims to United States citizenship or Lawful Permanent Resident status.
6. On or about January 2, 2025, DIAZ-RIVERA was charged in the City of Hamilton Municipal Court for strangulation (Municipal Court Case Number CRB2500034), domestic violence (Municipal Court Case Number CRB2500035-A), and assault (Municipal Court Case Number CRB2500035-B). These charges were bound over to a grand jury in Butler County, Ohio. On January 27, 2025, the Butler County, Ohio Clerk of Courts office filed a No Bill for the strangulation, domestic violence, and assault charges.
7. On or about October 14, 2022, DIAZ-RIVERA was arrested by the City of Hamilton (Ohio) Police Department for assault and domestic violence. A no true bill was issued for these charges in Butler County, Ohio on or about December 7, 2022.
8. Based on my training and experience, I know that a DHS "A-File" is a file in which all immigration records are maintained for aliens admitted or found to be illegally present in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained. The A-file corresponds with an "A-number," a unique number assigned to foreign nationals as they undergo proceedings through the United States immigration system.

9. On January 28, 2025, I reviewed ICE computer indices for DHS A-File 206 886 252, which is maintained for the subject alien “DIAZ-RIVERA.” The computer indices contain, among other things, the following information:

- a. Photographs of the alien subject to whom DHS A-File 206 886 252 corresponds.
- b. Various documents indicating that DIAZ-RIVERA is a native and citizen of Mexico. These documents include: (i) Expedited Removal from immigration agents, dated January 5, 2015, ordering DIAZ-RIVERA removed to Mexico, and showing DIAZ-RIVERA departed the United States on January 6, 2015; and (ii) Reinstatement of Deportation, dated December 1, 2022, ordering DIAZ-RIVERA removed to Mexico, and showing DIAZ-RIVERA departed the United States on January 13, 2023.

10. On January 28, 2025, I reviewed the printouts of ICE computer indices for DIAZ-RIVERA. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that DIAZ-RIVERA had been removed and deported on the dates indicated above. The ICE computer indices further indicated that DIAZ-RIVERA had not applied for or obtained permission from the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since DIAZ-RIVERA had last been deported.

11. Based on my review of DIAZ-RIVERA’s case information, I determined that ICE computer indices do not contain any record of him ever applying for, or receiving permission from, the Attorney General of the United States or his designated successor,

the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to reenter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in DIAZ-RIVERA's case information.

12. Based on the foregoing facts, there is probable cause to believe that DIAZ-RIVERA has violated Title 8, United States Code, Sections 1326(a)(1): Reentry of Removed Alien.

Respectfully submitted,

CHANDLER K
KELLY

 Digitally signed by CHANDLER K
KELLY
Date: 2025.01.29 12:08:28 -05'00'

Chandler Kelly
Special Agent
Homeland Security Investigation

Subscribed and sworn to before me by reliable electronic means, specifically, FaceTime video conference, in accordance with Fed. R. Crim. P. 4.1, on January 29, 2025.





HON. STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE